



**Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 45  
**AGENDA DATE:** Thu 02/03/2005  
**PAGE:** 1 of 3

**SUBJECT:** Conduct a public hearing to consider a request for a variance from the Land Development Code to allow expansion and remodeling of a nonconforming structure at 7014 Greenshores Drive and to waive the requirement to dedicate a drainage easement to the full extent of the 100-year floodplain of Lake Austin.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Watershed Protection and **DIRECTOR'S**  
**DEPARTMENT:** Development Review **AUTHORIZATION:** Joe Pantalion

**FOR MORE INFORMATION CONTACT:** Gary Kosut, 974-3374; Ray Windsor, 974-3362; Martha Vincent, 974-3371

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** The environmental variance was not recommended by the Environmental Board, but was approved by the Zoning and Platting Commission.

**PURCHASING:** N/A

**MBE / WBE:** N/A

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The applicant, Ms. Robin Sommers, through her authorized agent, Ms. Sarah Crocker, proposes to remodel and expand an existing pump house located on the shore of Lake Austin at 7014 Greenshores Drive. The proposed expansion would more than double the size of the existing structure and includes restroom and shower facilities. The existing pump house is entirely surrounded by the 100-year floodplain of Lake Austin.

The Land Development Code 25-12-3, Section 5903, states that a structure that does not conform with the floodplain regulations shall not be expanded, changed, enlarged, or altered in a way which increases its nonconformity. Additionally, no substantial improvement of the structure shall be made unless the structure is changed to conform with the floodplain regulations.

**THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT  
RECOMMENDS DENIAL OF THIS VARIANCE REQUEST**

**APPLICABLE CODE:**

LDC Section 25-12-3, Local amendments to the Building Code, Section 5903. Nonconforming Uses. A structure, or the use of a structure or premises, which was lawful before the adoption this chapter, but does not conform with the requirements of these regulations, may be continued subject to the following conditions:



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- (1) No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
- (2) No substantial improvement of the structure shall be made unless the structure is changed to conform with these regulations.

LDC 25-7-152, Dedication of Easements and Rights-of-Way.

- (A) The owner of real property proposed to be developed shall dedicate to the public an easement or right-of-way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain.

LDC 25-7-92 (B) Encroachment on Floodplain prohibited.

- (B) A site plan may not be approved if a proposed building or parking area encroaches on the 100-year flood plain.

**DISCUSSION OF THIS VARIANCE REQUEST WITH RESPECT TO PREREQUISITES FOR GRANTING VARIANCES:**

Variations shall only be issued upon:

1. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

**Finding:** *Relief is defined as relief from exceptional hardship. In this case, there is no exceptional hardship. The owner currently has use of her property, in compliance with code, to operate the existing pump house building structure.*

2. Showing a good and sufficient cause;

**Finding:** *There is not cause to allow the owner a variance from code that other property owners have been required to comply with.*

3. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

**Finding:** *The owner currently has economic use of the property. "Exceptional hardship" is defined as a characteristic of the land. It does not refer to personal or financial circumstances of the current owner of the land.*

4. A determination that granting a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

**Finding:** *The proposed development would not increase floodplain water surface elevations. However, public safety risk is increased because the structure is surrounded by up to a 3.6 feet depth of water for the 100-year storm event. The proposed building expansion would add 339 square feet area of interior space and open patio or deck area. The existing structure is 237 square feet. The proposed increase in floor area could allow habitation of the structure. The proposed development includes a wastewater pumping system in the floodplain which could*



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*create nuisance conditions if failure occurs during or after flooding.*

**VARIANCE PROCEDURES:**

The City Council shall hear and render judgment on requests for variances from the flood plain management regulations. Variances shall not be issued within any designated floodway (25-year floodplain) if any increase in flood levels during the base flood (100-year flood) discharge would result. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing relevant factors have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. The relevant factors to be considered are:

- 1) The danger to life and property due to flooding or erosion damage;
- 2) The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
- 3) The danger that materials may be swept onto other lands to the injury of others;
- 4) The compatibility of the proposed use with existing and anticipated development;
- 5) The safety of access to the property during times of flood for ordinary and emergency vehicles;
- 6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- 7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
- 8) The necessity to the facility of a waterfront location, where applicable;
- 9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 10) The relationship of the proposed use to the comprehensive plan for the area.

## ORDINANCE NO.

### **AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 7014 GREENSHORES DRIVE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR EXPANSION AND REMODELLING OF A PUMPHOUSE IN THE 100-YEAR FLOODPLAIN, AND PROVIDING AN EXPIRATION FOR THE VARIANCES.**

#### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Council has considered the factors for granting a variance from floodplain regulations prescribed by Section 25-12-3 (*Local Amendments to the Building Code*), Appendix Chapter 58, Article 8, Subsection D (*Variance Procedures*) of the City Code. Council finds that the variance granted by this ordinance is the minimum necessary to afford relief, is based on good and sufficient cause, and failure to grant the variance would result in exceptional hardship. Council further finds that the variance granted in this ordinance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**PART 2.** This ordinance applies to the expansion and remodeling of a pumphouse at 7014 Greenshores Drive within the 100-year floodplain, subject to Site Plan Permit No. SP-04-0982C.

**PART 3.** A variance is granted from:

- (A) the restriction on construction in the 100-year floodplain prescribed by Section 25-7-92 (*Encroachment On Floodplain Prohibited*) of the City Code; and
- (B) the requirement to dedicate the 100-year floodplain easement prescribed by Section 25-7-152 (*Dedication of Easements and Rights-of-Way*).
- (C) the requirement that a structure may not be expanded, changed, enlarged, or altered in a way which increases its nonconformity prescribed in Section 25-12-3, Building Code Appendix Chapter 59, Section 5903 (*Nonconforming Uses*) of the City Code.

**PART 4.** The variance granted in this ordinance is effective only upon the satisfaction of

the following condition:

The applicant shall submit a complete Elevation Certificate certifying the elevation of the finished structure, signed by a Texas registered professional land surveyor, before the City may issue a Certificate of Occupancy for the proposed pumphouse.

**PART 5.** If the project for which this variance is granted does not receive all necessary building permits on or before February 6, 2006, this variance expires.

**PART 6.** Approval of this variance does not constitute approval of zoning, subdivision, a site plan, a building permit, or any other development permit, and it does not constitute a commitment to any particular land use, intensity of land use, or utility services. Approval of this variance does not constitute a guarantee of flood insurance availability, rates, or requirements.

**PART 7.** This ordinance takes effect on \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk

## **Backup Information Packet**

Conduct a public hearing to consider a variance request to allow expansion and remodeling of an existing structure in the 100-year floodplain and to waive the requirement to dedicate a drainage easement to the full extent of the 100-year floodplain of Lake Austin.

(Suggested date and time: February 3, 2005, at 6:00 p.m.)

- Floodplain Variance Procedures.
- Site Location Map for 7014 Greenshores Drive.
- Photograph of the existing pumphouse at 7014 Greenshores Dr.
- Photograph of the existing pumphouse at 7014 Greenshores Dr.
- Plan View of the Proposed Bathhouse.
- Environmental Board Recommendation for Disapproval

## **2. FLOODPLAIN VARIANCE PROCEDURES**

Building Code, Appendix Chapter 58, Article 8 outlines procedures for consideration of flood plain development and evaluation of variance requests.

### **PREREQUISITES FOR GRANTING VARIANCES:**

Variances shall only be issued upon:

- 1) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 2) Showing a good and sufficient cause;
- 3) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- 4) A determination that granting a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

### **VARIANCE PROCEDURES:**

The City Council shall hear and render judgement on requests for variances from the flood plain management regulations. Variances shall not be issued within any designated floodway (25-year floodplain) if any increase in flood levels during the base flood (100-year flood) discharge would result. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing relevant factors have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. The relevant factors to be considered are:

- 1) The danger to life and property due to flooding or erosion damage;
- 2) The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
- 3) The danger that materials may be swept onto other lands to the injury of others;
- 4) The compatibility of the proposed use with existing and anticipated development;
- 5) The safety of access to the property during times of flood for ordinary and emergency vehicles;
- 6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- 7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
- 8) The necessity to the facility of a waterfront location, where applicable;
- 9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 10) The relationship of the proposed use to the comprehensive plan for the area.

# Development Review

Subject Property:  
7014 Greenshores Dr.

Pumphouse



## Legend

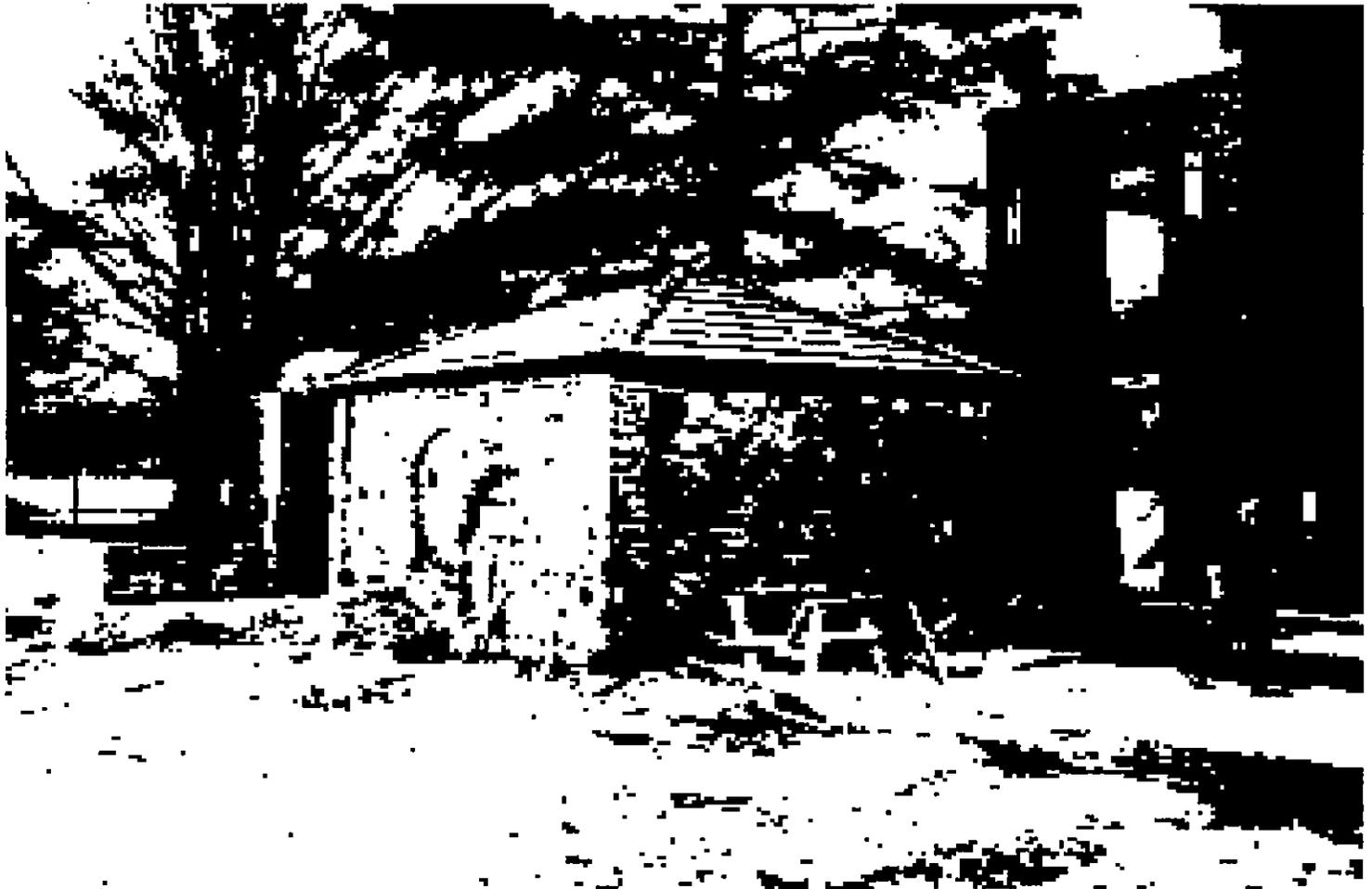
Lot Lines

FEMA 100-Year Floodplain

This was produced by the City of Austin Watershed  
and Development Practice Department as a  
staff map for use as a planning tool. It is not  
intended for use as a legal document.

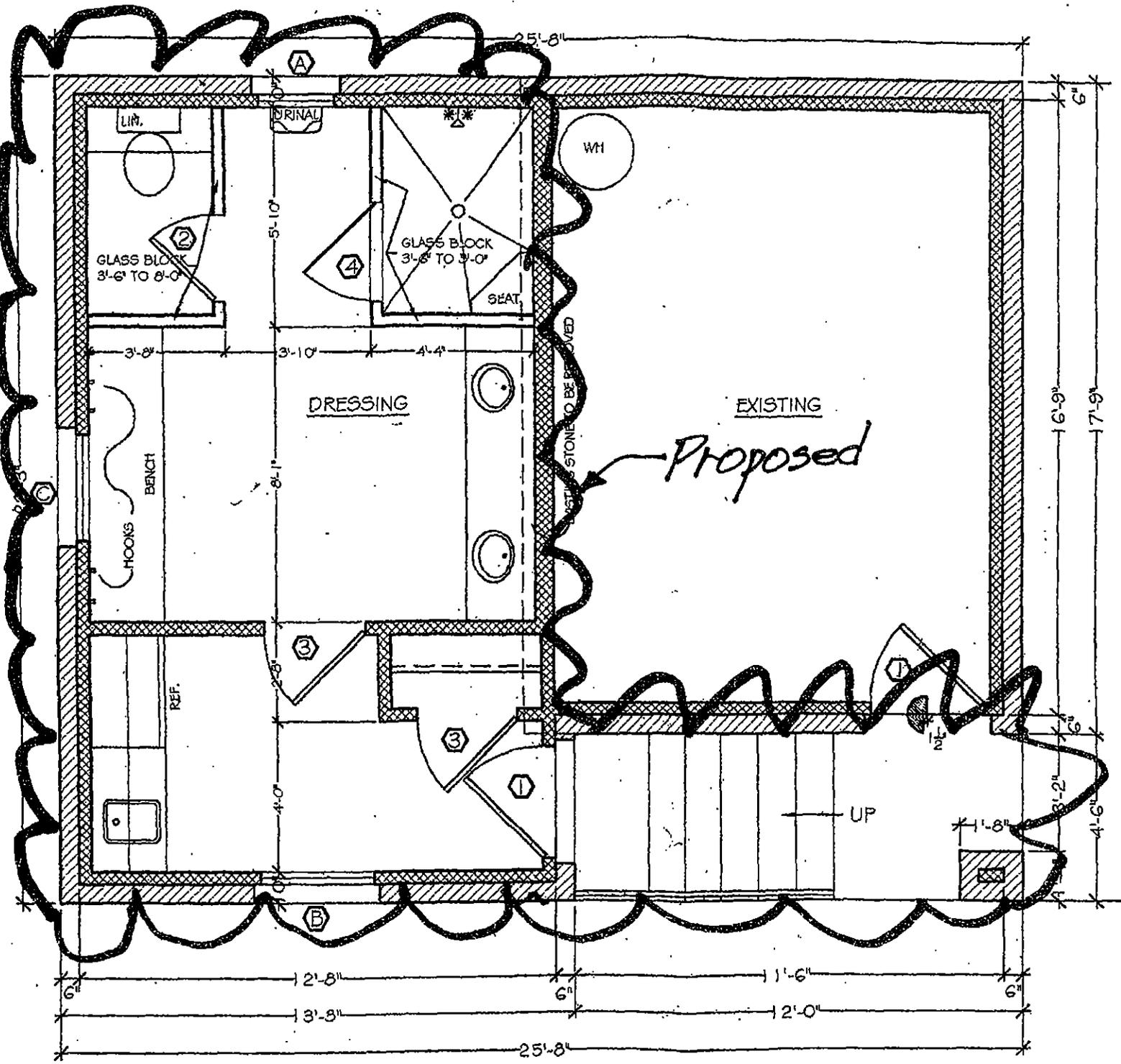
12/2004

Photograph of the existing pumphouse at  
7014 Greenshores Dr.



Photograph of the existing pumphouse at  
7014 Greenshores Dr.





2 FLOOR PLAN

SCALE:

1/4" = 1'-0"



## ENVIRONMENTAL BOARD MOTION 120104-B1

Date: December 1, 2004

Subject: Sommers Pump House Expansion and Remodel

Motioned By: Bill Curra

Seconded By: Mary Gay Maxwell

### Recommendation

1. The Environmental Board recommends **disapproval** of the variance requested from the Land Development Code Sections: 1) 25-8-452 and 25-8-261 – to expand an existing pump house in the CWQZ for the Sommers pump house expansion and remodel project.
2. The Environmental Board recommends **approval** of the variance requested from the Land Development Code Sections: 1) 25-8-452 and 25-8-261 – to build a boardwalk in the CWQZ for the Sommers pump house expansion and remodel project.

### Rationale

The variance requested for expansion of the pump house to add, among other things, a kitchen and bathroom with shower facilities to be serviced by a sump pit and grinder pump does not meet the required staff's findings of fact, there was an increase in potential to negatively impact water quality due to the existence of the sump pit in the floodplain, and there was no apparent *environmental benefit demonstrated for this part of the project.*

The variance requested for the replacement boardwalk, which replaces a concrete boardwalk with a wooden structure, will provide a benefit to the environment by helping to stabilize the bank against erosion and providing additional protection for the cypress trees along the bank.

Continued on Back

Vote 5-1-0-1

For: Anderson, Ascot, Curra, Holder, Maxwell

Against: Riley

Abstain: None

Absent: Moncada

Approved By:

*Mary Ruth Holder*  
Mary Ruth Holder, Chair

**CITY ZONING AND PLATTING  
COMMISSION  
December 21, 2004 [ANNOTATED]  
One Texas Center  
505 Barton Springs Road  
Conference Room 325**

CALL TO ORDER – 6:00 P.M.

**COMMENCED: 6:01 P.M.**

**ADJOURNED: 7:47 P.M.**

\_\_\_\_\_ Betty Baker - Chair

\_\_\_\_\_ Melissa Whaley Hawthorne- Assist. Sec.

\_\_\_\_\_ John Philip Donisi

\_\_\_\_\_ Keith Jackson - Parliamentarian

\_\_\_\_\_ Jay Gohil

\_\_\_\_\_ Joseph Martinez – Vice-Chair

\_\_\_\_\_ Clarke Hammond - Secretary

\_\_\_\_\_ Janis Pinnelli

\_\_\_\_\_ Teresa Rabago

**CONDUCT OF PUBLIC HEARINGS**

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

**CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE (RED BOOK).**

Facilitator: Tom Bolt

Any interested party aggrieved by a decision of the Zoning & Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Zoning & Platting Commission.

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The Commission may also recommend zoning that includes combining districts such as mixed use, conditional overlays, or other combining districts.

**AGENDA POSTING & POSTPONEMENT POLICIES**

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**AGENDA POSTING POLICY**

Normally when placing an item on a future agenda, commissioners should inform the chair prior to a meeting and announce the item under Items from Commission at the end of the agenda.

If the topic is of a sensitive nature or may be considered outside the scope of the Commission's charge, then the chair may request that it be presented to the Executive Committee for consideration prior to being placed on the agenda.

- An item that arises during the conduct of a meeting may be announced during the pertinent discussion or at the end of the meeting.
- If no objection is raised to the posting of an item, a vote and a second on the posting will not be required.
- If a disagreement arises on the posting of an item, the Commission will act upon the posting by a motion and vote.

**POSTPONEMENT POLICY**

- All postponement requests from the public normally should be made in writing by 10:00 a.m. the Monday before the Zoning & Platting Commission meeting. The request should be submitted to the case manager. The date and time should be noted on the letter to staff, in addition the reason for postponement and the requested postponement date.
- The party requesting the postponement should attend the Zoning & Platting Commission meeting, in case of a discussion postponement.
- The Zoning & Platting Commission will normally grant, upon voting, a first request notified as described above for postponement by an applicant or neighborhood association.
- Second and/or subsequent request for postponement, depending on the reasons, may or may not be granted by the Zoning & Platting Commission. The commission must, however, vote on the request.
- Individual commissioners may request postponements to be voted on by the full commission.

**CORRESPONDENCE WITH THE ZONING & PLATTING COMMISSION**

*E-mail:* E-mail addresses for individual Commissioner's are available on the last page of this agenda.

*Mail:* Neighborhood Planning & Zoning Department  
Attn: Zoning & Platting Commission Liaison  
P.O. Box 1088, Austin TX, 78767

*Fax:* Fax: (512) 974-1860

**MORE INFORMATION**

COA Development Web: [www.cityofaustin.org/development/](http://www.cityofaustin.org/development/)  
Land Development Code: [www.cityofaustin.org/development/ldc1.htm](http://www.cityofaustin.org/development/ldc1.htm)

For further information, please contact Dora Anguiano, Neighborhood Planning & Zoning Department at 974-2104 or [dora.anguiano@ci.austin.tx.us](mailto:dora.anguiano@ci.austin.tx.us).

**A. REGULAR AGENDA**

**EXECUTIVE SESSION (No public discussion)**

The Zoning & Platting Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Zoning & Platting Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

**CITIZEN COMMUNICATION:**

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

***NO SPEAKERS.***

**APPROVAL OF MINUTES**

2. Approval of minutes from December 7, 2004.

***APPROVED MINUTES BY CONSENT.***

***[J.M; J.G 2<sup>ND</sup>] (9-0)***

**BRIEFING**

3. **Briefing:** **Commercial Design Code Amendments**  
**Staff:** Jana McCann, 974-6096, [jana.mccann@ci.austin.tx.us](mailto:jana.mccann@ci.austin.tx.us)  
Katie Larsen, 974-6413, [katie.larsen@ci.austin.tx.us](mailto:katie.larsen@ci.austin.tx.us)  
Neighborhood Planning and Zoning

***INDEFINITE POSTPONEMENT (STAFF)***

Facilitator: Tom Bolt

*[J.M; J.G 2<sup>ND</sup>] (9-0)*

**ORDINANCE AMENDMENT**

- 4. Ordinance Amendment:** **C2O-04-010 - Transit-Oriented Development Ordinance Amendments**  
 Request: Proposed Amendments to the Land Development Code, Chapters 25-2 and 25-6, to establish Transit Oriented Development districts, and to adopt zoning and other regulations applicable in those districts.  
  
 Staff: Jana McCann, 974-6096, jana.mccann@ci.austin.tx.us  
 George Adams, 974-2146, george.adams@ci.austin.tx.us  
 Neighborhood Planning and Zoning

*CONTINUED TO 01/04/05 (ZAP)*

*\*K.J REQUESTED TO ADD STAFF BACK-UP FOR 01/04/05 MEETING; REQUESTED THE TOD REGULATIONS FOR THE ROBINSON RANCH PUD FOR COMPARISON SAKE.*

**DISCUSSION AND ACTION ON ZONING CASES**

- 5. Rezoning:** **C14-04-0180 - 2444 S. 1st St.**  
 Location: 2444 S. 1st St., East Bouldin Creek Watershed  
 Owner/Applicant: Michael Vasquez  
 Agent: Same  
 Request: SF-3 to GR  
 Staff Rec.: **Recommended**  
 Staff: Thomas Bolt, 974-2755, Thomas.bolt@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

*APPROVED GR-CO ZONING; ONLY PERMITTED GR USE BEING GENERAL RETAIL SALES (GENERAL); ALL LR USES; NO DRIVE THROUGH SERVICES.*

*[K.J; J.M 2<sup>ND</sup>] (9-0)*

- 6. Rezoning: C14-04-0164 - Lake Creek**  
 Location: North Lake Creek Parkway, Lake Creek Watershed  
 Owner/Applicant: SPF Joint Venture (Mike Reynolds)  
 Agent: Minter, Joseph & Thornhill (John M. Joseph)  
 Request: GO to CS  
 Prev. Postponement: Postponed from 11/16/04 (Applicant)  
 Staff Rec.: **Alternate Recommendation: GR-MU**  
 Staff: Sherri Gager, 974-3057, sherri.gager@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***INDEFINITE POSTPONEMENT (APPLICANT)***  
***[J.M; J.G 2<sup>ND</sup>] (9-0)***

- 7. Rezoning: C14-04-0165 - Lake Creek**  
 Location: Lakeline Boulevard, Lake Creek Watershed  
 Owner/Applicant: SPF Joint Venture (Mike Reynolds)  
 Agent: Minter, Joseph & Thornhill (John M. Joseph)  
 Request: GR to CS  
 Prev. Postponement: Postponed from 11/16/04 (Applicant)  
 Staff Rec.: **Alternate Recommendation: GR-MU**  
 Staff: Sherri Gager, 974-3057, sherri.gager@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR GR-MU ZONING; BY CONSENT.***  
***[J.M; J.G 2<sup>ND</sup>] (9-0)***

- 8. Rezoning: C14-04-0166 - Lake Creek**  
 Location: Lakeline Boulevard, Lake Creek Watershed  
 Owner/Applicant: SPF Joint Venture (Mike Reynolds)  
 Agent: Minter, Joseph & Thornhill (John M. Joseph)  
 Request: GO to CS  
 Prev. Postponement: Postponed from 11/16/04 (Applicant)  
 Staff Rec.: **Alternate Recommendation: GR**  
 Staff: Sherri Gager, 974-3057, sherri.gager@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR GR ZONING; BY CONSENT.******[J.M; J.G 2<sup>ND</sup>] (9-0)***

- 9. Zoning: C14-04-0183 - Escalon at Canyon Creek Apartments**  
 Location: 9715 and 9901 R.M. 620 North, Bull Creek Watershed  
 Owner/Applicant: A.G.S. The Spanos Corporation (Jim Norman)  
 Agent: Huffcut & Associates, Inc. (Mike Wilson)  
 Request: I-RR to MF-3  
 Prev. Postponement: Continued from 12/7/04 (ZAP) Public hearing remains open  
 Staff Rec.: **Alternate Recommendation: MF-3-CO**  
 Staff: Sherri Gager, 974-3057, sherri.gager@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***APPROVED MF-2-CO ZONING; 568 UNIT LIMIT; 2000 VEHICLE TRIPS PER DAY.******[M.W; J.M 2<sup>ND</sup>] (9-0)***

- 10. Rezoning: C14-04-0189 - Superior Service Company**  
 Location: 2020 West Howard Lane, Walnut Creek Watershed  
 Owner/Applicant: Superior Service Company (Robert Dale Steenrod)  
 Agent: Holt Planners (David B. Holt, Jr.)  
 Request: GR to LI  
 Staff Rec.: **Alternate Recommendation: LI-CO**  
 Staff: Sherri Gager, 974-3057, sherri.gager@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***APPROVED CS-CO ZONING WITH STAFF CONDITIONS.******[J.M; J.G 2<sup>ND</sup>] (9-0)*****DISCUSSION AND ACTION ON SITE PLAN CASES**

- 11. Site plan: SPC-04-0028C - Countryside Landscape**  
 Location: 13292 Pond Springs Rd., Lake Creek Watershed  
 Owner/Applicant: Rudy Yopez  
 Agent: Professional Strucivil Engineers, Inc. (Mirza Baig, P.E.)  
 Request: Approval of a conditional use permit.  
 Staff Rec.: **Recommended**  
 Staff: Kathy Haught, 974-2724, kathy.haught@ci.austin.tx.us  
 Watershed Protection & Development Review

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.******[J.M; J.G 2<sup>ND</sup>] (9-0)***

- 12. Site plan: SP-04-0291D - Palmer Boat Dock**

Location: 2921 Westlake Cove, Lake Austin Watershed  
 Owner/Applicant: Gamble J. Palmer Jr.  
 Agent: Bennett Consulting (Rodney Bennett)  
 Request: Variance only: Section 25-8-452 & 25-8-261 - To fill in an existing man made boat slip in a critical Water Quality Zone.  
 Staff Rec.: **Recommended**  
 Staff: John McDonald, 974-7690, john.mcdonald@ci.austin.tx.us  
 Watershed Protection & Development Review

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.***  
***[J.M; J.G 2<sup>ND</sup>] (9-0)***

**13. Site plan: SP-04-0982C - Sommers Pump House Expansion & Remodel**  
 Location: 7014 Green Shores Drive, Lake Austin Watershed  
 Owner/Applicant: Robin Sommers  
 Agent: Crocker Consultants (Sarah Crocker)  
 Request: Variance only: Section 25-8-452 & 25-8-261 - To expand an existing pump house and include a boardwalk in a Critical Water Quality Zone.  
 Staff Rec.: **VARIANCES ONLY - Not Recommended**  
 Staff: John McDonald, 974-7690, john.mcdonald@ci.austin.tx.us  
 Watershed Protection & Development Review

***SECTION 25-8-452; APPROVED VARIANCE TO EXPAND EXISTING PUMP.***  
***[K.J; J.M 2<sup>ND</sup>] (8-1) J.D - NAY***

***SECTION 25-8-261; APPROVED VARIANCE WITH EV BOARD CONDITIONS TO INCLUDE A BOARDWALK. [J.P; M.W 2<sup>ND</sup>] (9-0)***

**DISCUSSION AND ACTION ON SUBDIVISION CASES**

**PRELIMINARY**

**14. Preliminary: C8J-04-0041 - Hornsby Glen Subdivision**  
 Location: S. FM 973 Rd, Colorado River Watershed  
 Owner/Applicant: Main Street Homes (Ken Blaker)  
 Agent: Gray Jansing & Associates (Neslie Cook)  
 Request: Approval of the Hornsby Preliminary composed of 574 lots on 108.815 acres.  
 Staff Rec.: **RECOMMENDED**  
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.***  
***[J.M; J.G 2<sup>ND</sup>] (9-0)***

**FINAL WITH A PRELIMINARY**

- 15. Final with a Preliminary: C8J-03-0125.3A - Avery Ranch East Ph. Two, Sec. Three**  
 Location: Lisi Anne Drive, Brushy Creek Watershed  
 Owner/Applicant: Continental Homes of Texas (Peter Flynn)  
 Agent: Longaro & Clarke, Inc. (Alex Clarke)  
 Request: Approval of the Avery Ranch East Ph. Two, Sec. Three Final Plat comprised of 50 Lots on 12.7 acres.  
 Staff Rec.: **RECOMMENDED**  
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us  
 Watershed Protection & Development Review

***POSTPONED TO 01/04/05 (STAFF)***

***[J.M; J.G 2<sup>ND</sup>] (9-0)***

- 16. Final with a Preliminary: C8J-03-0125.4A - Avery Ranch East Ph. Two, Sec. Four**  
 Location: Lisi Anne Drive, Brushy Creek Watershed  
 Owner/Applicant: Continental Homes of Texas (Peter Flynn)  
 Agent: Longaro & Clarke, Inc. (Alex Clarke)  
 Request: Approval of the Avery Ranch East Ph. Two, Sec. Four Final Plat comprised of 51 Lots on 12.9 acres.  
 Staff Rec.: **RECOMMENDED**  
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us  
 Watershed Protection & Development Review

***POSTPONED TO 01/04/05 (STAFF)***

***[J.M; J.G 2<sup>ND</sup>] (9-0)***

- 17. Final with a Preliminary: C8J-03-0125.5A - Avery Ranch East Ph. Two, Sec. Five**  
 Location: Lisi Anne Drive, Brushy Creek Watershed  
 Owner/Applicant: Continental Homes of Texas (Peter Flynn)  
 Agent: Longaro & Clarke, Inc. (Alex Clarke)  
 Request: Approval of the Avery Ranch East Ph. Two, Sec. Five Final Plat comprised of 67 Lots on 16.37 acres.  
 Staff Rec.: **RECOMMENDED**  
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us  
 Watershed Protection & Development Review

***POSTPONED TO 01/04/05 (STAFF)***

***[J.M; J.G 2<sup>ND</sup>] (9-0)***

**FINAL WITHOUT A PRELIMINARY**

- 18. Final without a Preliminary:** **C8-04-0132.0A - First Resubdivision of Lot 4 Blk. A of the Second Resubdivision of Lot 1, Amend. Plat of Walnut Oaks**  
 Location: U.S. Hwy 183 and Cameron Road, Buttermilk Watershed  
 Owner/Applicant: Roger Joseph Developments, Inc. (Roger Joseph)  
 Agent: Holt Planners (David B. Holt, Jr.)  
 Request: Approval of the 3 lot commercial resubdivision  
 Staff Rec.: **RECOMMENDED**  
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us  
 Watershed Protection & Development Review

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.***  
***[J.M; J.G 2<sup>ND</sup>] (9-0)***

**STATUTORY DISAPPROVAL CASES**

- 19. Final Plat:** **C8J-99-0110.02.1A - River Dance Phase 2**  
 Location: N. Quinlan Park Rd. at Rode Cove, Lake Austin Watershed  
 Owner/Applicant: Taylor Woodrow Communities (Robert Long)  
 Agent: Loomis Austin, Inc. (Eric Simpson)  
 Request: Approval of the River Dance Phase 2 Final Plat composed of 54 lots on 147.49 acres.  
 Staff Rec.: **DISAPPROVAL**  
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us  
 Watershed Protection & Development Review
- 20. Revised Preliminary:** **C8J-03-0186.01 - Panther Hollow Creek Phase II Revised Preliminary**  
 Location: Big View Dr. and James Ryan Way, Lake Austin Watershed  
 Owner/Applicant: Glenlake, Ltd. (Jim Spence)  
 Agent: Cunningham-Allen, Inc. (Jana Rice)  
 Request: Approval of the Panther Hollow Creek Phase II Revised Preliminary composed of 5 lots on 20.351 acres.  
 Staff Rec.: **DISAPPROVAL**  
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us  
 Watershed Protection & Development Review
- 21. Final Plat:** **C8J-03-0186.01.1A - Panther Hollow Creek Phase II Final Plat**  
 Location: Big View Dr. and James Ryan Way, Lake Austin Watershed  
 Owner/Applicant: Glenlake, Ltd. (Jim Spence)  
 Agent: Cunningham-Allen, Inc. (Jana Rice)  
 Request: Approval of the Panther Hollow Creed Final Plat composed of 5 lots on 20.351 acres.

- Staff Rec.: **DISAPPROVAL**  
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us  
 Watershed Protection & Development Review
- 22. Resubdivision: C8-04-0173.0A - Banister Acres, Block 3, Lots 6 & 7; Resubdivision**  
 Location: Banister Lane at Casey St., West Bouldin Creek Watershed  
 Owner/Applicant: Dean Barrera  
 Agent: Vigil & Associates (Marcus Howard)  
 Request: Approval of the Banister Acres, Block 3, Lots 6 & 7, Resubdivision composed of 6 lots on 1.25 acres.  
 Staff Rec.: **DISAPPROVAL**  
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us  
 Watershed Protection & Development Review
- 23. Resubdivision: C8-04-0176.0A - Mockingbird Hill Section 2, Lot 1, Block 6; Resubdivision**  
 Location: 301 E. Applegate Dr., Little Walnut Creek Watershed  
 Owner/Applicant: Clarissa Reburn  
 Agent: Land Answers (Jim Wittliff)  
 Request: Approval of the Mockingbird Hill Section 2, Lot 1, Block 6, Resubdivision composed of 2 lots on 0.3 acres.  
 Staff Rec.: **DISAPPROVAL**  
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us  
 Watershed Protection & Development Review
- 24. Amended Plat: C8-04-0180.0A - River Place Section 25; Amended Plat**  
 Location: 6214 River Place Blvd., Lake Austin Watershed  
 Owner/Applicant: Glenlake, Ltd. (Jim Spence)  
 Agent: Ray Wilkerson Company (Jim Spence)  
 Request: Approval of the River Place Section 25, Amended Plat composed of 2 lots on 0.41 acres  
 Staff Rec.: **DISAPPROVAL**  
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us  
 Watershed Protection & Development Review
- 25. Final without a Preliminary: C8-04-0184.0A - Janssen Subdivision**  
 Location: 9808 S. IH-35 SB, Slaughter Creek Watershed  
 Owner/Applicant: Eldon Wayne Janssen & Dawn Janssen  
 Agent: Cunningham-Allen, Inc. (Jana Rice)  
 Request: Approval of the Janssen Subdivision composed of 1 lot on 5.578 acres.  
 Staff Rec.: **DISAPPROVAL**  
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us  
 Watershed Protection & Development Review

**DISAPPROVED BY CONSENT.****[J.M; J.G 2<sup>ND</sup>] (8-0-1) K.J - ABSTAINED**

- 26. Final Plat: C8J-00-2251.01.6A - Forest Bluff Section 6**  
 Location: Wideleaf Dr. at Shell Bark Cove, Decker Creek Watershed  
 Owner/Applicant: JBDI Development, Inc. (John Lloyd)  
 Agent: Randall Jones Engineering (J. Keith Collins)  
 Request: Approval of the Forest Bluff Section 6 Final Plat composed of 116 lots on 21.28 acres.  
 Staff Rec.: **DISAPPROVAL**  
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us  
 Watershed Protection & Development Review

**DISAPPROVED BY CONSENT.****[J.M; J.G 2<sup>ND</sup>] (8-0-1) K.J - ABSTAINED**

- 27. Preliminary Plan: C8J-04-0172 - Amarra Drive Preliminary Plan**  
 Location: Carranzo Dr. at Barton Creek Blvd., Barton Creek (In Barton Springs Zone) Watershed  
 Owner/Applicant: Stratus Properties Operating Company (Steve Hay)  
 Agent: Murfee Engineering Company (Ronee Gilbert)  
 Request: Approval of the Amarra Drive Preliminary Plan composed of 151 lots on 360.34 acres  
 Staff Rec.: **DISAPPROVAL**  
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us  
 Watershed Protection & Development Review
- 28. Final without a Preliminary: C8-04-0177.0A - Bluebonnet Taco**  
 Location: S. Lamar at Bluebonnet Ln., West Bouldin Creek Watershed  
 Owner/Applicant: Gene C. Payne (Jason Linahan)  
 Agent: Doucet & Associated, Inc. (Carol M. Stewart)  
 Request: Approval of the Bluebonnet Taco Subdivision composed of 3 lots on 5.064 acres.  
 Staff Rec.: **DISAPPROVAL**  
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us  
 Watershed Protection & Development Review
- 29. Revised Preliminary: C8-85-070.12 - Canyon Creek Preliminary Plan Revision #12**  
 Location: N. FM 620 Rd. at Rock Harbour, Bull Creek Watershed  
 Owner/Applicant: Canyon Creek Option, Ltd. (Fred Eppright)  
 Agent: Doucet & Associated, Inc. (Ted McConaghy)  
 Request: Approval of Canyon Creek Preliminary Revision #12 composed of 1 lot on 39.14 acres.  
 Staff Rec.: **DISAPPROVAL**

- Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us  
Watershed Protection & Development Review
- 30. Final Plat: C8-85-070.12.1A - Rock Harbour Retail Center**  
 Location: N. FM 620 Rd. at Rock Harbour, Bull Creek Watershed  
 Owner/Applicant: Canyon Creek Option, Ltd. (Fred Eppright)  
 Agent: Doucet & Associated, Inc. (Ted McConaghy)  
 Request: Approval of the Rock Harbour Retail Center Final Plat composed of 1 lot on 39.14 acres.  
 Staff Rec.: **DISAPPROVAL**  
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us  
 Watershed Protection & Development Review
- 31. Resubdivision: C8-04-0175.0A - Sage at Parmer Metric; Resubdivision**  
 Location: 1819 W. Parmer Lane, Walnut Creek Watershed  
 Owner/Applicant: Sageland Company (William Burrow, Jr.)  
 Agent: Bury & Partners, Inc. (Jonathan Neslund)  
 Request: Approval of the Sage at Parmer Metric, Resubdivision composed of 5 lots on 12.35  
 Staff Rec.: **DISAPPROVAL**  
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us  
 Watershed Protection & Development Review
- 32. Final with a Preliminary: C8-03-0117.2A.SH - Casas Grandes; S.M.A.R.T. Housing**  
 Location: 8206 Longview, South Boggy Creek Watershed  
 Owner/Applicant: Mario Chapa  
 Agent: LOC Consultants (Sergio Lozano)  
 Request: Statutory Disapproval of the Final Plat  
 Staff Rec.: **DISAPPROVAL**  
 Staff: Javier V. Delgado, 974-7648, javier.delgado@ci.austin.tx.us  
 Bill Andrews, 974-7649, bill.andrews@ci.austin.tx.us  
 Watershed Protection & Development Review

**DISAPPROVED BY CONSENT.**

**[J.M; J.G 2<sup>ND</sup>] (8-0-1) B.B – ABSTAINED**

**19-24; DISAPPROVED BY CONSENT.**

**[J.M; J.G 2<sup>ND</sup>] (9-0)**

**27-31; DISAPPROVED BY CONSENT.**

**[J.M; J.G 2<sup>ND</sup>] (9-0)**

**B. OTHER BUSINESS**

**ITEMS FROM THE COMMISSION**

- 1. Items from Commission:** **C14-03-0099 - Stassney South First Retail**
  - Location: 705-709 W. Stassney Lane at South First Street, Williamson Creek Watershed
  - Request: Discussion and action to consider Zoning and Platting Commission action to initiate a rollback zoning for the property located on Stassney and South First Street.
  - Staff: Wendy Walsh; Greg Guernsey, 974-7719; 974-2387, wendy.walsh@ci.austin.tx.us; greg.guernsey@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

***MOTION MADE TO INITIATE A ROLLBACK ZONING CASE TO BE POSTED FROM GR TO GR, SO THAT SOMETHING BELOW GR CAN BE CONSIDERED.***

***\* HAVE EXECUTED RESTRICTIVE COVENANTS (PUBLIC AND PRIVATE), LOCATED AND PRESENTED ALONG WITH THE STAFF BACK-UP.***

***[B.B; K.J 2<sup>ND</sup>] (9-0)***

- 2. Items from Commission:** **2005 ZAP Schedule -**
- Request: Discussion and action on approving the 2005 Zoning & Platting Commission schedule.

**APPROVED 2005 ZONING & PLATTING SCHEDULE; BY CONSENT.**  
**[J.M; J.G 2<sup>ND</sup>] (9-0)**

*The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call Sylvia Arzola, Neighborhood Planning & Zoning Department, at 974-6448, for information, text phone users route through Relay Texas at (800) 735-2989.*

<p><b>Ms. Betty Baker</b>          201 E. 2<sup>nd</sup> Street          Austin, TX. 78701          Contact Phone: (512)442-5371 hm.          E-mail Address: bbaker5@austin.rr.com          Nominated By: Mayor Pro-Tem Jackie Goodman</p>	<p><b>Mr. Joseph Martinez</b>          42 Waller Street          Austin, TX. 78702          Contact Phone: (512)474-8148          E-Mail Address:          josephmartinez@yahoo.com          Nominated By: Consensus</p>
<p><b>Mr. John Philip Donisi</b>          1700 Frost Bank Plaza          816 Congress Avenue          Austin, TX. 78701          Contact Phone: (512)472-8021 wk.          E-Mail Address: jdonisi@austin.rr.com          Nominated By: Council Member Danny Thomas</p>	<p><b>Mrs. Melissa Whaley Hawthorne</b>          508 Oakland Avenue          Austin, TX. 78703          E-Mail Address: apsinc@bga.com          Nominated By: Council Member Betty Dunkerley</p>

**Mr. Jay A. Gohil**  
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Nominated By: Mayor Will Wynn

**Mr. Clarke Hammond**  
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Nominated By: Council Member Daryl Slusher

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Nominated By: Council Member Raul Alvarez